

PIKE COUNTY PROJECT DEVELOPMENT BOARD

MEETING MINUTES

**Pike County Courthouse
Pikeville, Kentucky**

November 5, 2009, at 5:00 p.m.

PRESIDING OFFICER: CIRCUIT JUDGE EDDY COLEMAN

MEMBERS OF THE BOARD PRESENT:

**Magistrate Jeff Anderson
City Manager/AOC Representative Donovan Blackburn
Citizen at Large Honorable Charles E. Lowe, Jr.
District Judge Darrell Mullins
State Bar Association Representative Neal Smith
AOC Project Manager Jim King**

OTHERS PRESENT:

**Deputy Judge John Doug Hays
Bobby Branham, Executive Assistant to Judge Rutherford
Russ Cassady, Press, Appalachian News-Express
Michael George of Ross, Sinclair & Associates
Jeanne Robinson, Executive Assistant to Judge Rutherford
Steve Sherman of Sherman, Carter and Barnhart, Architects
Dave Sumner of Codell Construction
Rose Farley, Recorder**

ABSENT FROM THIS MEETING:

**Judge/Executive Wayne T. Rutherford
Circuit Court Clerk David Deskins
Assistant Pike County Attorney Roland Case**

In the absence of Judge/Executive Wayne T. Rutherford, Chair of the Board, Circuit Judge Eddy Coleman called to order and presided over a regularly scheduled meeting of the Pike County Project Development Board on November 5, 2009, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky. **Upon motion by Donovan Blackburn and second by Darrell Mullins, the Board unanimously APPROVED the minutes for September 3, 2009, with the exception of a vote of abstention by Charles E. Lowe, Jr., who could not be present for that meeting.**

Judge Coleman said he had spoken with Pikeville City Attorney Rusty Davis about the condemnation proceedings and one matter would have to be discussed in Executive Session. He spoke from a report submitted by Roland Case, Assistant Pike County Attorney, who could not be present this evening. He said an offer had been made to Justice Will T. Scott for his property at a price of \$360,000 and he has accepted this offer. Jeff King, AOC Project Manager, said once the Board accepts the proposal and agrees to pay, AOC authorization for payment may be made. Since the Board had done this at the September 3 meeting, there was no need for further motion. Mr. King said he would process the other two properties, the Weddington Theater and Lonnie Johnson, soon since they too have been authorized and the judge could now sign these without another meeting. **Upon motion by Neal Smith and second by Donovan Blackburn, the Board unanimously AUTHORIZED a request for disbursement of payment for the properties consisting of Will T. Scott, Weddington Theater and Lonnie Johnson properties.**

Deputy Judge John Doug Hays noted in Attorney Case's memorandum which he left that he needed authorization to draft an agreed order releasing the money for payment and have the commissioner draft a deed. **Upon motion by Darrell Mullins and second by Neal Smith, the Board unanimously AUTHORIZED Assistant Pike County Attorney R. Roland Case to draft an Agreed Order releasing the money for payment to owners of the Will T. Scott, Weddington Theater and Lonnie Johnson properties mentioned in the September 3, 2009 meeting minutes.**

On the Weddington Theater property, \$300,000 has been offered and Judge Coleman reported there is \$206,000 which the County has already paid into the Court with \$94,500 remaining to be paid. **Upon motion by Neal Smith and second by Darrell Mullins, the Board unanimously AUTHORIZED Assistant Pike County Attorney R. Roland Case to draft an Agreed Order to release the escrowed \$206,000 to pay the Weddington Heirs and to requisition the additional \$94,500 payment from AOC.** Mr. King stated as soon as he receives an e-mail for the requisition on the remainder, he will prepare that. Judge Coleman clarified that the e-mail would state how much each heir to the Weddington Theater Property would receive from the \$94,500. *[Clerk's Note: Magistrate Jeff Anderson was unavoidably detained and was not present through the above voting.]*

Judge Coleman called upon Steve Sherman of Sherman, Carter and Barnhart, Architects, to discuss the beginning of demolitions. Mr. Sherman stated the demolition documents have been completed and reviewed by the Construction Manager and they may now proceed. He explained how each demolition would be handled. He said one plan proposed was to demolish all the buildings at one time but that appears unlikely. The second plan is to leave a few structures on Main Street with a separate price for that but he confirmed that this still maintains the contract. Judge Coleman asked if the bid documents were included also. Mr. Sherman said that had all been packaged in with the offer to be discussed in Executive Session. Mr. Sherman added that when the documents were done, that adjustment could be made and they could be released. Approval to proceed with demolition should be made this evening to ensure obtaining bids. **Upon**

motion by Donovan Blackburn and second by Darrell Mullins, the Board unanimously AUTHORIZED release of the bid documents for demolition.

When Judge Coleman asked when the bids would be considered, David Sumner of Codell Construction answered once his office receives the documents from Mr. Sherman's office, he would put them through Codell. He said he wants everyone to examine the bids and a special meeting might have to be called for review of them. He expressed the feeling it would be difficult to do everything in the next four weeks. Mr. King stated once the bids are received and decided upon, a request to proceed must be obtained from the Director of AOC, which he declared to be a quick turnaround. Mr. Sumner said that gives Codell the notice to proceed. Bobby Branham, Executive Assistant to Judge Rutherford, stated a 48-hour notice must be given to have a meeting for the bids. Mr. Sherman said he would agree with that and he suggested that once the bids are obtained, then notice could be correctly given and there would be time to set up the special meeting.

Judge Coleman pointed out the environmental lines must be followed and Mr. Sherman responded that was on the bid documents. Mr. Blackburn asked when the actual demolition would begin and Mr. Sumner answered in about six weeks. Mr. King said realistically, the bids would be mobilized the first week in January. Mr. Blackburn asked if the fire school training had already occurred and was told yes.

Mr. Sherman then discussed the site plan and entry points. He said plans were being submitted to Mr. Blackburn and he had brought drawings to him to show improvements being made on the site. He said the backs of the existing buildings must be repaired. He emphasized they are unsightly but stressed the extent of actual repair and recovery will not be known until the buildings are down. He said all street parking would be removed and a sidewalk added to the edge of where the parking space would have been. A drop-off point will be placed; flagpoles will be in the corner; and bicycle racks installed, which a LEED building has to have, he stated. A brick wall will be built up all along the property with a planting bed, wrought iron fencing and brick piers interspersed.

The only entrance will be on Pike Street and gates will be added for LEED purposes. Only the judges and clerks will park in the back. He said typically AOC, as well as federal agencies, want everyone to come in through the front door for security. Mr. King said that is the protocol for all court facilities; judicial parking (which is elected officials) will be the only ones who do not have to use the front door. Prisoners will be brought in from the back. Mr. Sherman said the site plan will be submitted to Mr. Blackburn.

He continued by saying the drawings probably will be released right after the first of the year. Mr. Blackburn asked how many parking spaces would be in the space at back and was told five or six. He added that that means increased parking across the street. Mr. Sherman said even though some parking spaces have been eliminated, three times as many are provided.

Judge Coleman asked if one room would be designated as a county law library and Mr. Sherman answered yes. He said it is common for the local communities to fund or enhance the law libraries rather than AOC. Judge Coleman said there is about \$25,000 in the library fund. Mr. King pointed out that generally, as part of the building, AOC will provide furniture for the library but typically, one of the main features that the local bar associations are providing is having a place for the wireless circle for the attorneys to use, especially access of West-Law. He said a land line must be provided into that room but AOC does not build libraries per se any longer. Judge Coleman said the local bar association has rooms in the local library and would probably want to do the same thing in the courthouse.

Judge Coleman called for Executive Session. **Upon motion by Neal Smith and second by Donovan Blackburn, the Board unanimously APPROVED Executive Session to discuss pending litigation and property matters.**

Following Executive Session, there was no further business so Judge Coleman ADJOURNED the meeting.

Respectfully submitted,

Rose Farley, Recorder